

REFERENCE TITLE: animal cruelty; law enforcement animals

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2448

Introduced by
Representatives Lopez, Ableser, Bradley, Garcia M, Pancrazi, Sinema,
Senators Aboud, Pesquiera: Representatives Brown, Cajero Bedford, Campbell
CL, McGuire

AN ACT

AMENDING SECTIONS 12-114.01, 12-116.01, 13-702, 13-2910 AND 41-2419, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-824; AMENDING TITLE 41, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2408; RELATING TO LAW ENFORCEMENT ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-114.01, Arizona Revised Statutes, is amended to
3 read:

4 12-114.01. Probation surcharge: deposit

5 A. Except as provided in section 12-269, in addition to any other
6 penalty assessment provided by law, a probation surcharge of ten dollars
7 shall be levied on every fine, penalty and forfeiture imposed and collected
8 by the superior, justice and municipal courts for criminal offenses and any
9 civil penalty imposed and collected for a civil traffic violation and fine,
10 penalty or forfeiture for a violation of the motor vehicle statutes, for a
11 violation of any local ordinance relating to the stopping, standing or
12 operation of a vehicle, except parking violations, or for a violation of the
13 game and fish statutes in title 17.

14 B. The monies collected pursuant to this section shall be deposited,
15 pursuant to sections 35-146 and 35-147, in the judicial collection
16 enhancement fund established by section 12-113 to be used to supplement
17 monies currently used for the salaries of adult and juvenile probation and
18 surveillance officers and for support of programs and services of the
19 superior court adult and juvenile probation departments.

20 C. The court may waive all or part of a probation surcharge in the
21 same manner and subject to the same limitations provided for the waiver of
22 penalty assessments in section 12-116.01, subsection ~~E~~ G and section
23 12-116.02, subsection D.

24 Sec. 2. Section 12-116.01, Arizona Revised Statutes, is amended to
25 read:

26 12-116.01. Assessments: fund deposits

27 A. In addition to any other penalty assessment provided by law, a
28 penalty assessment shall be levied in an amount of forty-seven per cent on
29 every fine, penalty and forfeiture imposed and collected by the courts for
30 criminal offenses and any civil penalty imposed and collected for a civil
31 traffic violation and fine, penalty or forfeiture for a violation of the
32 motor vehicle statutes, for any local ordinance relating to the stopping,
33 standing or operation of a vehicle or for a violation of the game and fish
34 statutes in title 17.

35 B. In addition to any other penalty assessment provided by law, an
36 additional penalty assessment shall be levied in an amount of seven per cent
37 on every fine, penalty and forfeiture imposed and collected by the courts for
38 criminal offenses and any civil penalty imposed and collected for a civil
39 traffic violation and fine, penalty or forfeiture for a violation of the
40 motor vehicle statutes, for any local ordinance relating to the stopping,
41 standing or operation of a vehicle or for a violation of the game and fish
42 statutes in title 17.

1 C. In addition to any other penalty assessment provided by law, an
2 additional penalty assessment shall be levied through December 31, 2011 in an
3 amount of seven per cent, and beginning on January 1, 2012 in an amount of
4 six per cent, on every fine, penalty and forfeiture imposed and collected by
5 the courts for criminal offenses and any civil penalty imposed and collected
6 for a civil traffic violation and fine, penalty or forfeiture for a violation
7 of the motor vehicle statutes, for any local ordinance relating to the
8 stopping, standing or operation of a vehicle or for a violation of the game
9 and fish statutes in title 17.

10 D. IN ADDITION TO ANY OTHER PENALTY ASSESSMENT PROVIDED BY LAW, AN
11 ADDITIONAL PENALTY ASSESSMENT SHALL BE LEVIED IN AN AMOUNT OF .04 PER CENT ON
12 EVERY FINE, PENALTY AND FORFEITURE IMPOSED AND COLLECTED BY THE COURTS FOR
13 CRIMINAL OFFENSES AND ANY CIVIL PENALTY IMPOSED AND COLLECTED FOR A CIVIL
14 TRAFFIC VIOLATION AND FINE, PENALTY OR FORFEITURE FOR A VIOLATION OF THE
15 MOTOR VEHICLE STATUTES, FOR ANY LOCAL ORDINANCE RELATING TO THE STOPPING,
16 STANDING OR OPERATION OF A VEHICLE OR FOR A VIOLATION OF THE GAME AND FISH
17 STATUTES IN TITLE 17.

18 ~~D.~~ E. If any deposit of bail or bond or deposit for an alleged civil
19 traffic violation is to be made for a violation, the court shall require a
20 sufficient amount to include the assessment prescribed in this section for
21 forfeited bail, bond or deposit. If bail, bond or deposit is forfeited, the
22 court shall transmit the amount of the assessment pursuant to subsection ~~G~~-H
23 of this section. If bail, bond or deposit is returned, the assessment made
24 pursuant to this article shall also be returned.

25 ~~E.~~ F. After addition of the penalty assessment, the courts may round
26 the total amount due to the nearest one-quarter dollar.

27 ~~F.~~ G. The judge may waive all or part of the civil penalty, fine,
28 forfeiture and penalty assessment, except for mandatory civil penalties and
29 fines, the payment of which would work a hardship on the persons convicted or
30 adjudicated or on their immediate families. If a fine or civil penalty is
31 mandatory, the judge may waive only all or part of the penalty assessments
32 prescribed by subsections A, B, ~~and~~ C AND D of this section and section
33 12-116.02. If a fine or civil penalty is not mandatory and if a portion of
34 the civil penalty, fine, forfeiture and penalty assessment is waived or
35 suspended, the amount assessed must be divided according to the proportion
36 that the civil penalty, fine, bail or bond and the penalty assessment
37 represent of the total amount due.

38 ~~G.~~ H. After a determination by the court of the amount due, the court
39 shall transmit, on the last day of each month, the assessments collected
40 pursuant to subsections A, B, C, ~~and~~ D AND E of this section and a remittance
41 report of the fines, civil penalties and assessments collected pursuant to
42 subsections A, B, C, ~~and~~ D AND E of this section to the county treasurer,
43 except that municipal courts shall transmit the assessments and the
44 remittance report of the fines, civil penalties and assessments to the city
45 treasurer.

~~H.~~ I. The appropriate authorities specified in subsection ~~G~~ H of this section shall transmit the forty-seven per cent penalty assessment prescribed in subsection A of this section and the remittance report as required in subsection ~~G~~ H of this section to the state treasurer on or before the fifteenth day of each month for deposit in the criminal justice enhancement fund established by section 41-2401.

~~I.~~ J. The appropriate authorities specified in subsection ~~G~~ H of this section shall transmit the seven per cent penalty assessment prescribed in subsection B of this section and the remittance report as required in subsection ~~G~~ H of this section to the state treasurer on or before the fifteenth day of each month for allocation pursuant to section 41-2421, subsection J.

~~J.~~ K. The appropriate authorities specified in subsection ~~G~~ H of this section shall transmit the penalty assessment prescribed in subsection C of this section and the remittance report as required in subsection ~~G~~ H of this section to the state treasurer on or before the fifteenth day of each month for deposit in the Arizona deoxyribonucleic acid identification system fund established by section 41-2419.

L. THE APPROPRIATE AUTHORITIES SPECIFIED IN SUBSECTION H OF THIS SECTION SHALL TRANSMIT THE .04 PER CENT PENALTY ASSESSMENT PRESCRIBED IN SUBSECTION D OF THIS SECTION AND THE REMITTANCE REPORT AS REQUIRED IN SUBSECTION H OF THIS SECTION TO THE STATE TREASURER ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH FOR DEPOSIT IN THE LAW ENFORCEMENT ANIMAL PROTECTIVE GEAR FUND ESTABLISHED BY SECTION 41-2408.

~~K.~~ M. Partial payments of the amount due shall be transmitted as prescribed in subsections ~~G~~, H, I, ~~and~~ J, K AND L of this section and shall be divided according to the proportion that the civil penalty, fine, bail or bond and the penalty assessment represent of the total amount due.

Sec. 3. Section 13-702, Arizona Revised Statutes, is amended to read:

13-702. Sentencing; definition

A. Sentences provided in section 13-701 for a first conviction of a felony, except those felonies involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury upon another or if a specific sentence is otherwise provided, may be increased or reduced by the court within the ranges set by this subsection. Any reduction or increase shall be based on the aggravating and mitigating circumstances contained in subsections C and D of this section and shall be within the following ranges:

	<u>Minimum</u>	<u>Maximum</u>
1. For a class 2 felony	4 years	10 years
2. For a class 3 felony	2.5 years	7 years
3. For a class 4 felony	1.5 years	3 years
4. For a class 5 felony	9 months	2 years
5. For a class 6 felony	6 months	1.5 years

1 B. The upper or lower term imposed pursuant to section 13-604,
2 13-604.01, 13-604.02, 13-702.01 or 13-710 or subsection A of this section may
3 be imposed only if one or more of the circumstances alleged to be in
4 aggravation of the crime are found to be true by the trier of fact beyond a
5 reasonable doubt or are admitted by the defendant, except that an alleged
6 aggravating circumstance under subsection C, paragraph 11 of this section
7 shall be found to be true by the court, or in mitigation of the crime are
8 found to be true by the court, on any evidence or information introduced or
9 submitted to the court or the trier of fact before sentencing or any evidence
10 presented at trial, and factual findings and reasons in support of such
11 findings are set forth on the record at the time of sentencing.

12 C. For the purpose of determining the sentence pursuant to section
13 13-710 and subsection A of this section, the trier of fact shall determine
14 and the court shall consider the following aggravating circumstances, except
15 that the court shall determine an aggravating circumstance under paragraph 11
16 of this subsection:

17 1. Infliction or threatened infliction of serious physical injury,
18 except if this circumstance is an essential element of the offense of
19 conviction or has been utilized to enhance the range of punishment under
20 section 13-604.

21 2. Use, threatened use or possession of a deadly weapon or dangerous
22 instrument during the commission of the crime, except if this circumstance is
23 an essential element of the offense of conviction or has been utilized to
24 enhance the range of punishment under section 13-604.

25 3. If the offense involves the taking of or damage to property, the
26 value of the property so taken or damaged.

27 4. Presence of an accomplice.

28 5. Especially heinous, cruel or depraved manner in which the offense
29 was committed.

30 6. The defendant committed the offense as consideration for the
31 receipt, or in the expectation of the receipt, of anything of pecuniary
32 value.

33 7. The defendant procured the commission of the offense by payment, or
34 promise of payment, of anything of pecuniary value.

35 8. At the time of the commission of the offense, the defendant was a
36 public servant and the offense involved conduct directly related to the
37 defendant's office or employment.

38 9. The victim or, if the victim has died as a result of the conduct of
39 the defendant, the victim's immediate family suffered physical, emotional or
40 financial harm.

41 10. During the course of the commission of the offense, the death of an
42 unborn child at any stage of its development occurred.

11. The defendant was previously convicted of a felony within the ten years immediately preceding the date of the offense. A conviction outside the jurisdiction of this state for an offense that if committed in this state would be punishable as a felony is a felony conviction for the purposes of this paragraph.

12. The defendant was wearing body armor as defined in section 13-3116.

13. The victim of the offense is at least sixty-five years of age or is a disabled person as defined by section 38-492.

14. The defendant was appointed pursuant to title 14 as a fiduciary and the offense involved conduct directly related to the defendant's duties to the victim as fiduciary.

15. Evidence that the defendant committed the crime out of malice toward a victim because of the victim's identity in a group listed in section 41-1750, subsection A, paragraph 3 or because of the defendant's perception of the victim's identity in a group listed in section 41-1750, subsection A, paragraph 3.

16. The defendant was convicted of a violation of section 13-1102, section 13-1103, section 13-1104, subsection A, paragraph 3 or section 13-1204, subsection A, paragraph 1 or 2 arising from an act that was committed while driving a motor vehicle and the defendant's alcohol concentration at the time of committing the offense was 0.15 or more. For the purposes of this paragraph, "alcohol concentration" has the same meaning prescribed in section 28-101.

17. Lying in wait for the victim or ambushing the victim during the commission of any felony.

18. The offense was committed in the presence of a child and any of the circumstances exist that are set forth in section 13-3601, subsection A.

19. The offense was committed in retaliation for a victim's either reporting criminal activity or being involved in an organization, other than a law enforcement agency, that is established for the purpose of reporting or preventing criminal activity.

20. The defendant was impersonating a peace officer as defined in section 1-215.

21. The defendant was in violation of 8 United States Code section 1323, 1324, 1325, 1326 or 1328 at the time of the commission of the offense.

22. The defendant used a remote stun gun or an authorized remote stun gun in the commission of the offense. For the purposes of this paragraph:

(a) "Authorized remote stun gun" means a remote stun gun that has all of the following:

(i) An electrical discharge that is less than one hundred thousand volts and less than nine joules of energy per pulse.

(ii) A serial or identification number on all projectiles that are discharged from the remote stun gun.

1 (iii) An identification and tracking system that, on deployment of
2 remote electrodes, disperses coded material that is traceable to the
3 purchaser through records that are kept by the manufacturer on all remote
4 stun guns and all individual cartridges sold.

5 (iv) A training program that is offered by the manufacturer.

6 (b) "Remote stun gun" means an electronic device that emits an
7 electrical charge and that is designed and primarily employed to incapacitate
8 a person or animal either through contact with electrodes on the device
9 itself or remotely through wired probes that are attached to the device or
10 through a spark, plasma, ionization or other conductive means emitting from
11 the device.

12 23. During or immediately following the commission of the offense, the
13 defendant committed a violation of either section 28-661, 28-662 or 28-663.

14 24. DURING OR IMMEDIATELY FOLLOWING THE COMMISSION OF THE OFFENSE,
15 SERIOUS PHYSICAL INJURY TO OR THE DEATH OF A LAW ENFORCEMENT ANIMAL OCCURRED.

16 ~~24.~~ 25. Any other factor that the state alleges is relevant to the
17 defendant's character or background or to the nature or circumstances of the
18 crime.

19 D. For the purpose of determining the sentence pursuant to section
20 13-710 and subsection A of this section, the court shall consider the
21 following mitigating circumstances:

22 1. The age of the defendant.

23 2. The defendant's capacity to appreciate the wrongfulness of the
24 defendant's conduct or to conform the defendant's conduct to the requirements
25 of law was significantly impaired, but not so impaired as to constitute a
26 defense to prosecution.

27 3. The defendant was under unusual or substantial duress, although not
28 such as to constitute a defense to prosecution.

29 4. The degree of the defendant's participation in the crime was minor,
30 although not so minor as to constitute a defense to prosecution.

31 5. During or immediately following the commission of the offense, the
32 defendant complied with all duties imposed under sections 28-661, 28-662 and
33 28-663.

34 6. Any other factor that is relevant to the defendant's character or
35 background or to the nature or circumstances of the crime and that the court
36 finds to be mitigating.

37 If the trier of fact finds at least one aggravating circumstance, the trial
38 court may find by a preponderance of the evidence additional aggravating
39 circumstances. In determining what sentence to impose, the court shall take
40 into account the amount of aggravating circumstances and whether the amount
41 of mitigating circumstances is sufficiently substantial to call for the
42 lesser term. If the trier of fact finds aggravating circumstances and the
43 court does not find any mitigating circumstances, the court shall impose an
44 aggravated sentence.

1 E. The court in imposing a sentence shall consider the evidence and
2 opinions presented by the victim or the victim's immediate family at any
3 aggravation or mitigation proceeding or in the presentence report.

4 F. Nothing in this section affects any provision of law that imposes
5 the death penalty, that expressly provides for imprisonment for life or that
6 authorizes or restricts the granting of probation and suspending the
7 execution of sentence.

8 G. Notwithstanding any other provision of this title, if a person is
9 convicted of any class 6 felony not involving the intentional or knowing
10 infliction of serious physical injury or the discharge, use or threatening
11 exhibition of a deadly weapon or dangerous instrument and if the court,
12 having regard to the nature and circumstances of the crime and to the history
13 and character of the defendant, is of the opinion that it would be unduly
14 harsh to sentence the defendant for a felony, the court may enter judgment of
15 conviction for a class 1 misdemeanor and make disposition accordingly or may
16 place the defendant on probation in accordance with chapter 9 of this title
17 and refrain from designating the offense as a felony or misdemeanor until the
18 probation is terminated. The offense shall be treated as a felony for all
19 purposes until such time as the court may actually enter an order designating
20 the offense a misdemeanor. This subsection does not apply to any person who
21 stands convicted of a class 6 felony and who has previously been convicted of
22 two or more felonies. If a crime or public offense is punishable in the
23 discretion of the court by a sentence as a class 6 felony or a class 1
24 misdemeanor, the offense shall be deemed a misdemeanor if the prosecuting
25 attorney:

26 1. Files an information in superior court designating the offense as a
27 misdemeanor.

28 2. Files a complaint in justice court or municipal court designating
29 the offense as a misdemeanor within the jurisdiction of the respective court.

30 3. Files a complaint, with the consent of the defendant, before or
31 during the preliminary hearing amending the complaint to charge a
32 misdemeanor.

33 H. For the purposes of this section, "trier of fact" means a jury,
34 unless the defendant and the state waive a jury in which case the trier of
35 fact means the court.

36 Sec. 4. Title 13, chapter 8, Arizona Revised Statutes, is amended by
37 adding section 13-824, to read:

38 13-824. Restitution; law enforcement animals

39 A. IN ADDITION TO ANY RESTITUTION THAT IS ORDERED PURSUANT TO SECTION
40 13-603, SUBSECTION C OR SECTION 13-804, IF THE DEFENDANT IS CONVICTED OF ANY
41 OFFENSE THAT RESULTED IN SERIOUS PHYSICAL INJURY TO OR THE DEATH OF A LAW
42 ENFORCEMENT ANIMAL, THE COURT SHALL REQUIRE THE CONVICTED PERSON TO MAKE
43 RESTITUTION TO THE LAW ENFORCEMENT AGENCY THAT OWNED THE ANIMAL IN THE FULL
44 AMOUNT OF THE ECONOMIC LOSS AS DETERMINED BY THE COURT AND IN THE MANNER AS
45 DETERMINED BY THE COURT OR THE COURT'S DESIGNEE PURSUANT TO THIS CHAPTER.

1 B. RESTITUTION THAT IS ORDERED PURSUANT TO THIS SECTION SHALL BE PAID
2 TO THE CLERK OF THE COURT FOR DISBURSEMENT TO THE LAW ENFORCEMENT AGENCY AND
3 IS A CRIMINAL PENALTY FOR THE PURPOSES OF A FEDERAL BANKRUPTCY INVOLVING THE
4 PERSON CONVICTED OF AN OFFENSE.

5 Sec. 5. Section 13-2910, Arizona Revised Statutes, is amended to read:
6 13-2910. Cruelty to animals; interference with law enforcement
7 or service animal; classification; definitions

8 A. A person commits cruelty to animals if the person does any of the
9 following:

10 1. Intentionally, knowingly or recklessly subjects any animal under
11 the person's custody or control to cruel neglect or abandonment.

12 2. Intentionally, knowingly or recklessly fails to provide medical
13 attention necessary to prevent protracted suffering to any animal under the
14 person's custody or control.

15 3. Intentionally, knowingly or recklessly inflicts unnecessary
16 physical injury to any animal.

17 4. Recklessly subjects any animal to cruel mistreatment.

18 5. Intentionally, knowingly or recklessly kills any animal under the
19 custody or control of another person without either legal privilege or
20 consent of the owner.

21 6. Recklessly interferes with, kills or harms a ~~working-or-service~~ LAW
22 ENFORCEMENT animal without either legal privilege or consent of the owner.

23 7. RECKLESSLY INTERFERES WITH, KILLS OR HARMS A SERVICE ANIMAL WITHOUT
24 EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

25 ~~7-~~ 8. Intentionally, knowingly or recklessly leaves an animal
26 unattended and confined in a motor vehicle and physical injury to or death of
27 the animal is likely to result.

28 ~~8-~~ 9. Intentionally or knowingly subjects any animal under the
29 person's custody or control to cruel neglect or abandonment that results in
30 serious physical injury to the animal.

31 ~~9-~~ 10. Intentionally or knowingly subjects any animal to cruel
32 mistreatment.

33 ~~10-~~ 11. Intentionally or knowingly interferes with, kills or harms a
34 ~~working-or-service~~ LAW ENFORCEMENT animal without either legal privilege or
35 consent of the owner.

36 12. INTENTIONALLY OR KNOWINGLY INTERFERES WITH, KILLS OR HARMS A
37 SERVICE ANIMAL WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

38 ~~11-~~ 13. Intentionally or knowingly allows any dog that is under the
39 person's custody or control to interfere with, kill or cause physical injury
40 to a service animal.

41 ~~12-~~ 14. Recklessly allows any dog that is under the person's custody
42 or control to interfere with, kill or cause physical injury to a service
43 animal.

~~13.~~ 15. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.

B. It is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, ~~and~~ the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed, ~~and~~ the poison is removed by the person exposing the poison after the threat to the person, ~~or~~ the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".

2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in section 17-101.

C. This section does not prohibit or restrict:

1. The taking of wildlife or other activities permitted by or pursuant to title 17.

2. Activities permitted by or pursuant to title 3.

3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.

D. A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

E. A person who is convicted of a violation of subsection A, paragraph 6, ~~or 10~~ 7, 11 OR 12 of this section is liable as follows:

1. If the ~~working~~ LAW ENFORCEMENT or service animal was killed or disabled, to the owner or agency that owns the ~~working~~ LAW ENFORCEMENT or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the ~~working~~ LAW ENFORCEMENT or service animal and for any veterinary bills.

2. To the owner or agency that owns a ~~working~~ LAW ENFORCEMENT or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.

3. To the owner for the owner's contractual losses with the agency.

F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of this section.

G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, ~~6~~, 7, 8 or ~~12~~ 14 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph ~~6~~, ~~8~~, 9, 10, ~~11~~ or 12, 13 OR 15 of this section is guilty of a class 6 felony. A PERSON WHO VIOLATES SUBSECTION A, PARAGRAPH 11 OF THIS SECTION IS GUILTY OF A CLASS 5 FELONY.

H. For the purposes of this section:

1. "Animal" means a mammal, bird, reptile or amphibian.

2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury ~~upon~~ ON an animal or to kill an animal in a manner that causes protracted suffering to the animal.

3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.

4. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.

~~6-~~ 5. "Working LAW ENFORCEMENT animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

~~5-~~ 6. "Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.

Sec. 6. Title 41, chapter 21, article 1, Arizona Revised Statutes, is amended by adding section 41-2408, to read:

41-2408. Law enforcement animal protective gear fund; grants to law enforcement agencies

A. THE LAW ENFORCEMENT ANIMAL PROTECTIVE GEAR FUND IS ESTABLISHED CONSISTING OF MONIES COLLECTED PURSUANT TO SECTION 12-116.01, SUBSECTION D AND DISTRIBUTED PURSUANT TO SECTION 12-116.01, SUBSECTION L. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL ADMINISTER THE FUND AND ESTABLISH AND ADOPT PROCEDURES FOR THE ALLOCATION OF THE MONIES IN THE FUND.

B. LAW ENFORCEMENT AGENCIES MAY APPLY FOR LAW ENFORCEMENT ANIMAL PROTECTIVE GEAR FUND GRANTS FROM THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR THE ENSUING FISCAL YEAR ON FORMS THAT ARE PROVIDED BY THE ARIZONA CRIMINAL JUSTICE COMMISSION.

C. THE ARIZONA CRIMINAL JUSTICE COMMISSION MAY DISTRIBUTE GRANT MONIES FROM THE FUND TO LAW ENFORCEMENT AGENCIES THAT PROPERLY APPLY TO RECEIVE THE MONIES.

D. A LAW ENFORCEMENT AGENCY THAT RECEIVES MONIES THAT ARE DISTRIBUTED PURSUANT TO THIS SECTION SHALL USE THE MONIES SOLELY FOR THE PURCHASE OF LAW ENFORCEMENT ANIMAL PROTECTIVE GEAR.

1 Sec. 7. Section 41-2419, Arizona Revised Statutes, is amended to read:

2 ~~41-2419.~~ Arizona deoxyribonucleic acid identification system
3 fund

4 A. The Arizona deoxyribonucleic acid identification system fund is
5 established. The Arizona deoxyribonucleic acid identification system fund
6 consists of monies collected pursuant to section 12-116.01 and distributed
7 pursuant to section 41-2401, subsection D, paragraph 6, monies collected
8 pursuant to section 12-116.01, subsection C and distributed pursuant to
9 section 12-116.01, subsection ~~J~~ K and monies contributed to the fund from
10 any other source. On notice from the department of public safety, the state
11 treasurer shall invest and divest monies in the fund as provided by section
12 35-313, and monies earned from investment shall be credited to the fund.

13 B. The department of public safety shall administer the fund.

14 C. Subject to legislative appropriation, monies in the fund shall be
15 used for implementing, operating and maintaining deoxyribonucleic acid
16 testing and for the costs of administering the system.